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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,950	10/24/2006	Sebastian Althen	2003P10350WOU'S	8448
22116 7590 05/24/2010 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830				
EXAMINER RIVIERE, HEIDI M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,950

Applicant(s)

ALTHEN ET AL.

Examiner

HEIDI RIVIERE

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37, 38 and 40-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37, 38 and 40-51 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed **5 February 2010** have been fully considered but they are not persuasive. Applicant argues that the Hung reference in view of McDaniel does not teach the using energy relevant questions which are independent of the sector of industry. However, the McDaniel reference does provide data entry categories and data input fields with titles. Furthermore, the types of fields and categories used is non-functional descriptive. As a result, the rejections are not withdrawn.
2. The Claim 51 objection has been addressed and is withdrawn. Please note current rejection to claim 40.
3. The 35 USC 101 rejection has been addressed and is therefore withdrawn.

Claim Objections

4. Claim 40 objected to because of the following informalities: Claim 40 depends on claim 39 which has been canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 37-38 and 40-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hung et al. (US 6/587,754 B2)** (hereinafter "**Hung**") in view of **McDaniel et al. (US 5/105,365)** (hereinafter "**McDaniel**").

7. **With respect to claim 37:** (new) Hung teaches:

- accessing on an interconnected computer network a predefined standardized procedure for reducing energy costs from an electronically stored method handbook and implementing the predefined standardized procedure by: a standardized diagnostic method implementable on the interconnected computer network having access to a stored knowledgebase, wherein the standardized diagnostic method uses knowledgebase to identify and generate a report indicating areas where improvement to the sequences can be attained, the sequence analysis including consideration of: (Hung: col. 6, lines 13-62 - "examples for meter data control unit 29 are microcomputers, work stations, mainframe computers, program logic controllers ("PLCs") with memory"; meter data recorded and stored; col. 5, lines 15-45 – "a fuel meter 140 monitoring and measuring a fuel, such as natural gas, fuel oil, or coal used to generate steam via delivery line 138; an electricity meter 150 monitoring and measuring electricity supplied to the steam generation area via electric supply line 148"; col. 5, lines 15-65 – "utility use meters (hereinafter "meters") monitor and measure the delivered utility amounts"; meters

include but are not limited to fuel meter and electricity meter; the can be digital, analog, mechanical meter as well as broad-band spectrum modems; col. 6, lines 1-15 – secondary meters used at branch locations; utility passage amount along utility deliver lines can be monitored, measured, and recorded)

- a. energy flows of the facility, the energy flow path including:
 - i. purchase of the energy from an energy provider,
 - ii. consumption of the energy within the facility in a core process, the core process being a process that is specific to an industry sector whose main focus contains the sector-specific know-how of the facility, conversion of the energy in a secondary process, the secondary process being a process that provides the core process with necessary resources for the core process to function, discharge of the energy from the facility; (Hung: col. 10, lines 10-25 – delivery and energy costs; col. 5, lines 15-45 – “a fuel meter 140 monitoring and measuring a fuel, such as natural gas, fuel oil, or coal used to generate steam via delivery line 138; an electricity meter 150 monitoring and measuring electricity supplied to the steam generation area via electric supply line 148”) and
- (b) analyzing the core and secondary processes using a standardized analysis method implementable on the interconnected computer network having access to the stored knowledgebase, wherein the standardized

analysis method provides recommendations for reducing energy costs by
to assist the analysis of the energy flows through the core and secondary
processes; monitoring energy-relevant data from the core and secondary
processes; storing energy-relevant data from the core and secondary
processes; (Hung: col. 6, lines 13-62 - "examples for meter data control
unit 29 are microcomputers, work stations, mainframe computers,
program logic controllers ("PLCs") with memory"; meter data recorded and
stored; col. 5, lines 15-45 – "a fuel meter 140 monitoring and measuring a
fuel, such as natural gas, fuel oil, or coal used to generate steam via
delivery line 138; an electricity meter 150 monitoring and measuring
electricity supplied to the steam generation area via electric supply line
148")

- measuring and allocating to the core and secondary processes the energy
consumption levels of the core and secondary processes; (Hung: col. 5,
lines 15-65 – "utility use meters (hereinafter "meters") monitor and
measure the delivered utility amounts"; meters include but are not limited
to fuel meter and electricity meter; the can be digital, analog, mechanical
meter as well as broad-band spectrum modems; col. 6, lines 1-15 –
secondary meters used at branch locations; utility passage amount along
utility deliver lines can be monitored, measured, and recorded)
- analyzing the energy-relevant data via: determining production planning
for the core process utilizing a first predefined standardized analysis

package that is independent of the industry sector; determining production planning for the secondary process utilizing a second predefined standardized analysis package that is independent of the industry sector; determining energy cost reduction measures for the core and secondary processes based upon the energy-relevant data analysis; and (d) implementing the energy cost reduction measures for the core and secondary processes; (c) planning energy cost reduction measures based on some or all of the recommendations for reducing energy costs provided by the standardized analysis method; and. (Hung: col. 10, line 10-col. 11, line 45 – energy cost determined; data processing module include operational and manufacturing needs; Predictive analytical tools enable steam generation management system 10 to predict estimated future steam needs and develop purchasing schemes; col. 11, lines 45-65 – real time analysis can be provided for operators operating production equipment in production area and steam delivery systems)

Hung does not teach, however McDaniel teaches:

(a) analyzing a plurality of energy-relevant operational process sequences by using predefined energy-relevant questions which are independent of the sector of industry, performed within the facility by, (McDaniel: Figs. 5a, 5b, 6a, and 6b – categories presented for data input; col. 3, lines 1-35 – industrial facility monitored; col. 6, lines 20-67 – “An “IH” number is automatically assigned, in numerical sequence, by the computer processor guided by data entry and

system control 100 upon the entry of each substance in database 400 to create records such as 500 as hereinafter described. The placing of the "IH" number, and the "location" designation 560 in the records of respective databases enables the concatenation of the databases by the data management software into the desired report formats hereinafter described")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

Furthermore, the data identifying types of questions is non-functional descriptive data.

When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. *See Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; *see also Diamond v. Diehr*, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the

subset. See *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the subset, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the subset.

The Examiner asserts that the data identifying types of questions adds little, if anything, to the claimed acts or steps and thus do no serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way the steps are performed". Any differences related merely to the meaning and information conveyed through data, which does not explicitly alter or impact the steps is non-functional descriptive data. The subjective interpretation of the data does not patentably distinguish the claimed invention.

8. **With respect to claim 38:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the standardized diagnostic method comprises a computer aided interview of middle or upper management. (McDaniel: Figs. 5a, 5b, 6a, 6b, 6c, 7a; col. 3, lines 1-45; col. 9, line 50-col. 10, line 65 – management data input related to substances; inputted data stored in database; data input fields)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

9. **With respect to claim 39:** (Canceled)

10. **With respect to claim 40:** (new) Hung teaches wherein the standardized analysis methods utilize standardized concepts, standardized calculation models, and standardized process analyses to determine potential for reducing energy costs. (Hung: col. 5, lines 15-65 – “utility use meters (hereinafter “meters”) monitor and measure the delivered utility amounts”; meters include but are not limited to fuel meter and electricity meter; the can be digital, analog, mechanical meter as well as broad-band spectrum modems; col. 6, lines 1-15 – secondary meters used at branch locations; utility passage amount along utility deliver lines can be monitored, measured, and recorded)

11. **With respect to claim 41:** (new) Hung teaches wherein the analysis of the computerized information, data processing systems and energy purchasing and discharge is performed using a third predefined standardized analysis package. (Hung: col. 6, lines 13-62 - “examples for meter data control unit 29 are microcomputers, work stations, mainframe computers, program logic controllers (“PLCs”) with memory”; meter data recorded and stored; col. 5, lines 15-45 – “a fuel meter 140 monitoring and measuring a fuel, such as natural gas, fuel oil, or coal used to generate steam via

delivery line 138; an electricity meter 150 monitoring and measuring electricity supplied to the steam generation area via electric supply line 148")

12. **With respect to claim 42:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches country specific regulations are considered during the energy-relevant analysis step, the regulations selected from the group consisting of: standards, subsidies, and financial aids. (McDaniel: col. 1, lines 15-40 – federal, state, local and company standards)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

13. **With respect to claim 43:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the industrial facility is selected from the group consisting of: paper and pulp production facility, steel works, hospital, shipyard hotel, chemical plant, cement factory, underground system, railway system, container terminal, and drilling rig. (McDaniel: col. 3, lines 5-30 – industrial facility)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel

teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

Furthermore, the data identifying "type of facility" is non-functional descriptive data.

When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. *See Gulack*, 703 F.2d at 1384-85, 217 USPQ at 403; *see also Diamond v. Diehr*, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the subset. *See In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the subset, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the subset.

The Examiner asserts that the data identifying "type of facility" adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art. MPEP 2106IV b 1(b) indicates that "nonfunctional descriptive material" is material "that cannot exhibit any functional interrelationship with the way the steps are performed". Any differences related merely to the meaning and information conveyed through data, which does not explicitly alter or impact the steps is non-functional descriptive data. The subjective interpretation of the data does not patentably distinguish the claimed invention.

14. **With respect to claim 44:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the standardized procedure is predefined within a method handbook. (McDaniel: col. 1, lines 15-42 – publication utilized "Manager's Guide to SHEA Compliance Management System")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description. McDaniel teaches the implementation of a guide within the system.

15. **With respect to claim 45:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the energy-relevant questions and the energy-relevant data analysis are stored in a knowledge database.

(McDaniel: Figs. 5a, 5b, 6a, 6b, 6c, 7a; col. 9, line 50-col. 10, line 65 – management data input related to substances; inputted data stored in database; data input fields)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

16. **With respect to claim 46:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the questions and energy-relevant data that are stored in the knowledge database are optimized based upon the experience gained by the facility. (McDaniel: Figs. 5a, 5b, 6a, 6b, 6c, 7a; col. 9, line 50-col. 10, line 65 – management data input related to substances; inputted data stored in database; data input fields)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

17. **With respect to claim 47:** (new) Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the process steps

are repeated annually to verify the effectiveness and proper implementation of the measures. (McDaniel: Col. 4, Lines 10-45 – yearly substance sampling)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

18. **With respect to claim 48:** (new) Hung teaches the cost reduction determination is performed by an energy service provider. (Hung: col. 10, line 10-col. 11, line 45 – energy cost determined; data processing module include operational and manufacturing needs; Predictive analytical tools enable steam generation management system 10 to predict estimated future steam needs and develop purchasing schemes; col. 11, lines 45-65 – real time analysis can be provided for operators operating production equipment in production area and steam delivery systems)

19. **With respect to claim 49:** (new) Hung teaches:

- i. purchase of the energy from an energy provider, consumption of the energy within the facility in a core process, the core process being a process that is specific to an industry sector whose main focus contains the sector-specific know-how of the facility, conversion of the energy in a secondary process, the secondary process being a process that provides the core process with necessary resources for the core process to

function, discharge of the energy from the facility, considering the core and secondary processes in order to determine potential cost reductions; (Hung: col. 10, lines 10-25 – delivery costs; col. 5, lines 15-45 – “a fuel meter 140 monitoring and measuring a fuel, such as natural gas, fuel oil, or coal used to generate steam via delivery line 138; an electricity meter 150 monitoring and measuring electricity supplied to the steam generation area via electric supply line 148”) and

- a knowledge database accessible to the facility via the network, comprising:
 - ii. predefined energy-relevant questions that are independent of the industry sector for a standardized diagnostic method for the analysis of the operational process sequence;
 - (1) first predefined standardized analysis packages that are independent of the industry sector for the standardized analysis method for the analysis of the core process; second predefined standardized analysis packages that are independent of the industry sector for the standardized analysis method for the analysis of the secondary process; third predefined standardized analysis packages for a standardized analysis method for the analysis of: computerized information and data-processing systems, energy purchasing, and discharge from the facility; having experience obtained regionally or globally in connection with the reduction of energy costs. (Hung: col. 5, lines 15-65 – “utility use

meters (hereinafter "meters") monitor and measure the delivered utility amounts"; meters include but are not limited to fuel meter and electricity meter; the can be digital, analog, mechanical meter as well as broad-band spectrum modems; col. 6, lines 1-15 – secondary meters used at branch locations; utility passage amount along utility deliver lines can be monitored, measured, and recorded; col. 6, lines 13-62 - "examples for meter data control unit 29 are microcomputers, work stations, mainframe computers, program logic controllers ("PLCs") with memory"; meter data recorded and stored; col. 5, lines 15-45 – "a fuel meter 140 monitoring and measuring a fuel, such as natural gas, fuel oil, or coal used to generate steam via delivery line 138; an electricity meter 150 monitoring and measuring electricity supplied to the steam generation area via electric supply line 148")

Hung does not teach, however McDaniel teaches a method hand book accessible to the facility via an interconnected computer network for predefining a standardized procedure for a holistic consideration of the energy flow through the facility, the energy flow path including: (McDaniel: col. 1, lines 15-42 – publication utilized "Manager's Guide to SHEA Compliance Management System)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel

teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description.

20. **With respect to claim 50:** Hung teaches the limitations cited in the rejections above. Hung does not teach, however McDaniel teaches the knowledge database is optimized based upon the experience and knowledge gained in the facility. (McDaniel: Figs. 5a, 5b, 6a, 6b, 6c, 7a; col. 9, line 50-col. 10, line 65 – management data input related to substances; inputted data stored in database; data input fields)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hung and McDaniel. Both references deal with an industrial process. While Hung teaches the energy conversion on metering McDaniel teaches that the monitored facility is an industrial facility with processes to be monitored. The Hung facility can be a multi-process facility that converts and then utilizes the steam energy however this is merely implicit in the written description. Data analysis and collection is done at a frequency of weekly, monthly, and annually for example.

21. **With respect to claim 51:** Hung teaches hardware and software tools for supporting the standardized procedure are provided to the facility locally by an on site installation or via a interconnected computer network. (Hung: col. 6, lines 35-50 – microcomputers and workstations used for example)

CONCLUSION

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi Riviere whose telephone number is 571-270-1831. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689